



State of Wisconsin \ DEPARTMENT OF PUBLIC INSTRUCTION

State Superintendent's Council on Special Education

ANNUAL REPORT

State Superintendent's Council on Special Education

September 2006-2007

The Wisconsin State Superintendent's Council on Special Education is mandated under Chapter 15.377(4) of Wisconsin Statute and 20 U.S.C.1412(a)(21). The Council's purpose is to advise the State Superintendent on;

- 1) the delivery of special education services throughout the state;
- 2) possible unmet needs;
- 3) services provided to individual students with disabilities; and
- 4) rules, regulations, state policies, and initiatives that affect students with disabilities and their advocates.

The Council is comprised of individuals who are concerned about the education of students with disabilities including parents, teachers, and program administrators. Appointed by the State Superintendent, the Council's membership represents a broad range of interested Wisconsin citizens committed to special education issues. Council meetings are held every other month on the second Wednesday evening and Thursday morning of the month. These meetings are open to the public. Persons wishing to address the Council to express concerns and opinions are welcome to do so.

This past year, the 2006-2007 Council worked to gain a full understanding of the issues affecting special education across Wisconsin. Critical issues continued to include the alignment of federal IDEA and Wisconsin special education law, the State Performance Plan, the focused monitoring system, teacher licensure, and disproportionality. These topics provided a foundation within which to discuss and debate the questions affecting the students with disabilities in Wisconsin.

In October 2006, several Council members joined other stakeholders in a video conference with the federal Office of Special Education Programs (OSEP). As part of the federal monitoring review of Wisconsin, the discussion focused on three main points; DPI's general supervision over the special education programming in Wisconsin, data collection and reporting, and the statewide student assessment.

On a sad note, Sam Milesky, former DPI consultant for Deaf and Hard of Hearing Programs, passed away in December 2006. Sam served as the Council's parliamentarian for many years, guiding the Council through some intricate rules of order.

Brent Odell, DPI Education Program Consultant and Secretary to the Council, retired from state service this year. His commitment to special education and the Council, as well as his quiet sense of humor, were appreciated by each Council member. Courtney Jenkins will perform liaison responsibilities for the Council.

Each Council meeting included presentations by experts on key topics to expand the Council's knowledge base and further the Council's mandate to advise and comment to the State Superintendent. Topics included the following:

- ❖ Assistant Director Donna Hart-Tervalon presented background information on Wisconsin's Disproportionality Summer Institute. She indicated that the first part of the institute addressed concerns regarding the disproportionate numbers of students of color who may be inappropriately referred to and placed in special education. Presentations focused on racial and ethnic disproportionality in special education at the national and local level. The second part of the institute provided technical assistance to the 25 Wisconsin school districts identified as having a disproportionate representation of certain racial/ethnic groups in their special education programs. Districts learned to examine their own data and identify possible factors that may impact the disproportionality found in their special education programming. In addition, districts identified activities they could implement to address the issue locally.

NOTE: ADDITIONAL INFORMATION RELATED TO DISPROPORTIONALITY CAN BE FOUND AT THE DPI SPECIAL EDUCATION TEAM WEBSITE <http://dpi.wi.gov/sped/spp-disp.html>.

- ❖ Education program consultants Eva Kubinski and Judy O'Kane discussed the "graduation gap" – the gap between graduation rates for students with disabilities and students without disabilities. Approximately 86% of students with disabilities graduate with a regular diploma compared to nearly 92% for their peers without disabilities. The dropout rate for students with disabilities is 2.4% compared to 1.94% for students without disabilities. Identified Wisconsin school districts with low graduation rates for students with disabilities will receive focused monitoring and technical assistance to identify possible factors contributing to the gap (school climate, district policies, staff qualifications, limited options for learning, and inadequate resources).
- ❖ Kathy Laffin, Education Program Consultant for Specific Learning Disabilities, reviewed recommendations of the Stakeholder Task Force on Specific Learning Disabilities (SLD), Response to Intervention (RtI), and Early Intervening Services (EIS). Council member Brian Anderson, also a member of the SLD Task Force, explained how the SLD eligibility criteria must be changed to align state law to IDEA 2004 and how the change might be implemented throughout the state.
- ❖ Lynn Boreson, Education Program Consultant for Emotional/Behavioral Disabilities, shared information on seclusion and use of physical restraints, stressing that both interventions are a last resort in cases of danger to the student and/or others. She discussed the need for positive behavioral supports and interventions, writing the

possible use of physical restraint and/or seclusion into the student's IEP, and staff training in using these interventions safely.

NOTE: A LIST OF RESOURCES RELATED TO SECLUSION AND PHYSICAL RESTRAINT IS AVAILABLE AT THE DPI WEBSITE <http://dpi.wi.gov/sped/doc/secrestrgd.doc>.

- ❖ Two public forums were held by the Council – one was in Madison and the other in Racine. Participants included parents of children with special needs, teachers, and school administrators. Issues communicated to the Council at these forums included financing special education, IEPs and paper work, parent trainings in advocacy, cross-categorical programming, training programs for special education teachers and paraprofessionals, and staff development for special education staff.
- ❖ Several staff members from the Racine Unified School District reported on various initiatives being implemented in that district. These programs included involving community leaders in reducing truancy, transition planning, the development of an autism leadership team, speech/language leadership team parent empowerment, and the expansion of regular education services for 3- and 4-year-old nondisabled students, thereby expanding the opportunities to include 3- and 4-year-olds with disabilities in activities with their nondisabled peers.

Kenosha School District staff presented information about their district's projects including the development of computerized IEPs for greater consistency and accuracy, expansion of early childhood special education services to include HeadStart, daycare facilities, nursery school programs, and home-based programs, and how the district is addressing disproportionate representation in special education, graduation, and suspension rates.

- ❖ Paula Volpiansky, Education Program Consultant for REACH (Responsive Education for All Children) shared the department's work assisting hundreds of schools to develop a multi-tiered model for providing Response to Intervention (RtI) and Early Intervening Services (EIS). DPI will have a cross-divisional team of its special education and regular education consultants. This team will plan and present workshops on RtI and EIS to school district staff.

The Council discussed RTI-related topics including how special education and regular education will collaborate to implement RtI, the cost, developing staffing capacity to implement RtI, and the impact on how private school students referred for special education evaluation will be served.

Dr. Stephanie Petska, Director of the Special Education Team with the Department of Public Instruction, continued to provide the Council updates on current federal and state matters, as well as specific initiatives affecting special education in Wisconsin. Topics included:

1. the results of DPI's analysis of the final IDEA regulations and the impact on special education forms, procedural safeguards notices, and the revision of the much-used publication ***Special Education in Plain Language***;

2. Wisconsin's revised plan for meeting the highly qualified teacher provisions found in No Child Left Behind;
 3. ongoing reports from the Specific Learning Disabilities Criteria Task Force which was given the responsibility of guiding Wisconsin's use of Response to Intervention and Early Intervening Services;
 4. the details of Wisconsin's comprehensive and in-depth response to an audit performed by the U.S. Department of Education's Office of Special Education Programming (OSEP). (All states were required to complete the audit report);
 5. updates on the continuous improvement and focused monitoring system (CIFMS), how school districts were selected for review, the targets established for the twenty quality indicators, and how progress will be reported to OSEP;
(In a cycle lasting five years, each school district will have an opportunity to report their self-assessment results to DPI. The self-assessment will cover aspects of procedural compliance.)
 6. the implications of extending the use of Significant Developmental Delay (SDD) to age 9;
 7. information about the two federal grants received by DPI to enhance Wisconsin's alternative assessments;
 8. the OSEP site visit report that praised DPI's preparation for the visit but also identified three areas of concern;
 - the date Wisconsin uses for collection of child count data reported to OSEP;
(In the past, DPI used the Third Friday in September date to collect school enrollments as well as special education student counts. This date is outside the date range allowed by IDEA for special education data collection. Changing the date for collection of school enrollment data would require legislative action.)
 - how DPI ensures that procedural noncompliance is corrected within one year, and
 - awarding regular diplomas to students with disabilities.
 9. DPI's 2007-2009 budget request;
 10. review of how the determination of poverty is calculated and the impact on funds received by school districts in the past;
 11. revision of Wisconsin's alternate assessment;
(Wisconsin will move from a portfolio to performance assessment beginning in January 2008. Extended standards in math, reading, and science will be used to develop and score the assessment.)
 12. updates on Wisconsin's State Performance Plan; and
 13. disproportionality.
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This year, Dr. Stephanie Petska and Brent Odell continued to inform and guide the Council. Their deep commitment to all Wisconsin students with disabilities is recognized and appreciated.

Respectfully Submitted,

Julie Lidbury, Vice Chairperson
State Superintendent's Council on Special Education